IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 328 OF 2006

Nitin Ganpatrao Farkade.] .. Petitioner

Versus

1. The Registrar, University of Mumbai and ors.] .. Respondents

Ms. Betty D'Souza for the petitioner.

Mr. R.A. Rodrigues for the respondents.

CORAM: F.I. REBELLO & ANOOP V. MOHTA, JJ.

DATED: 27TH MARCH, 2006

P.C. :

. Petitioner, in paragraph 13 of the Petition, has averred that the petitioner attempted for the third time, the first Semester for the subject of Micro Processor and System I in the year May 2004 wherein he was declared passed and secured in theory 49 marks and in term work 43 marks which was carried over giving a total of 92 marks. The petitioner has been declared to have passed in the Pass class. Petitioner seeks a declaration that the petitioner should have been treated

as declared in the First class. On behalf of the University, Shri S.V. Bhitre has filed a reply. Our attention is invited to Regulation 4160 and Regulation 4156. Under Regulation 4160, an option is given to the student in the event the student fails in the examination but secures 50 per cent or more of the total marks in any theory paper and internal assessment, to be exempted from re-appearing for the same at a subsequent attempt. It further provided that evaluation for internal assessment will be carried over to the subsequent examination and it will be considered alongwith the marks for theory paper for awarding of class. In other words, it is only on the internal assessment which will be carried over to the subsequent examination and considered for the purpose of class for awarding of class is governed by Regulation 4156. That requires that the candidate must appear and pass the first and second semester examination in not more than four consecutive semesters after registration with the proviso that such examination has to be cleared in not more than two sittings. In the instant case, the petitioner passed the examination in a subject Micro Processor and System I in the third attempt. Once that be the case, considering Regulation 4156, there is no infirmity with the decision taken by the University. Hence no interference.

2. Petition disposed of.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]